

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15747 of John Redmond, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase an existing child development center from fifteen (15) to forty-five (45) children, four (4) teachers and four (4) aides on the first floor of an apartment house in an R-4 District at premises 1636 Kenyon Street, N.W. (Square 2598, Lot 1052).

HEARING DATE: September 9, 1992
DECISION DATE: September 9, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANCs) 1E, 1C and 3C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1E. ANC 1E, which is automatically a party to the application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The applicant shall comply with all applicable D.C. Code and licensing requirements.
2. The number of children shall not exceed 45.
3. The children's ages shall range from 2 1/2 to 11 years.

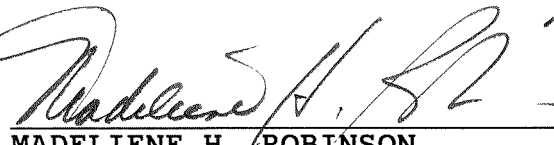
4. The number of employees on-site shall not exceed eight (8).
5. The hours of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Friday.
6. The drop-off and pick-up of children shall be at the rear entrance off of 17th Street.
7. Trash collection shall occur at least twice per week.
8. All open areas shall be kept clean and free of refuse and debris.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Maybelle Taylor Bennett, Sheri M. Pruitt, Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER:

OCT 21 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15747Order/bhs

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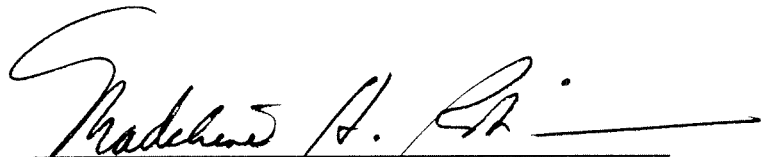


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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 21 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Betty Fenwick-North
John Redmond
3220 17th Street, N.W.
Washington, D.C. 20010

Alice Kelly, Chairperson
Advisory Neighborhood Commission 1E
P.O. Box 43529
Washington, D.C. 20010


MADELIENE H. ROBINSON
Acting Director

DATE: OCT 21 1992

15747Att/bhs